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8 **BEFORE THE**  
9 **BOARD OF REGISTERED NURSING**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. 2008-287

12 **REBECCA K. BLACKSHAW**  
2114 North Washington  
13 Tacoma, Washington 98406

**A C C U S A T I O N**

14 Registered Nurse License No. 410622

15 Respondent.

16  
17 Ruth Ann Terry, M.P.H., R.N. ("Complainant") alleges:

18 **PARTIES**

19 1. Complainant brings this Accusation solely in her official capacity as the  
20 Executive Officer of the Board of Registered Nursing ("Board"), Department of Consumer  
21 Affairs.

22 **Registered Nurse License**

23 2. On or about March 31, 1987, the Board issued Registered Nurse License  
24 Number 410622 to Rebecca K. Blackshaw ("Respondent"). The registered nurse license will  
25 expire on November 30, 2008, unless renewed.

26 **STATUTORY PROVISIONS**

27 3. Section 2750 of the Business and Professions Code ("Code") provides, in  
28 pertinent part, that the Board may discipline any licensee, including a licensee holding a

1 temporary or an inactive license, for any reason provided in Article 3 (commencing with Code  
2 section 2750) of the Nursing Practice Act.

3 4. Code section 2764 provides, in pertinent part, that the expiration of a  
4 license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding  
5 against the licensee or to render a decision imposing discipline on the license. Under Code  
6 section 2811, subdivision (b), the Board may renew an expired license at any time within eight  
7 years after the expiration.

8 5. Code section 2761 states, in pertinent part:

9 The board may take disciplinary action against a certified or licensed nurse  
10 or deny an application for a certificate or license for any of the following:

11 (a) Unprofessional conduct, which includes, but is not limited to, the  
12 following:

13 (4) Denial of licensure, revocation, suspension, restriction, or any other  
14 disciplinary action against a health care professional license or certificate by  
15 another state or territory of the United States, by any other government agency, or  
16 by another California health care professional licensing board. A certified copy of  
17 the decision or judgment shall be conclusive evidence of that action.

#### 18 COST RECOVERY

19 6. Code section 125.3 provides, in pertinent part, that the Board may request  
20 the administrative law judge to direct a licensee found to have committed a violation or  
21 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation  
22 and enforcement of the case.

#### 23 CAUSE FOR DISCIPLINE

##### 24 (Out-of-State Discipline)

25 7. Respondent's license is subject to disciplinary action under Code section  
26 2761, subdivision (a)(4), on the grounds of unprofessional conduct, in that Respondent has been  
27 disciplined by the State of Washington, Department of Health (hereafter "Department").  
28 Effective September 16, 2005, pursuant to the Findings of Fact, Conclusions of Law, and Final  
Order in Case No. 04-08-A-1054RN, filed by the Department, attached hereto as **Exhibit "A"**  
and incorporated herein, Respondent's Washington State Registered Nurse License Number  
RN00093382 was suspended indefinitely. The basis for discipline was that the Nursing Care

1 Quality Assurance Commission determined, based on evidence presented to it by the  
2 Department, that Respondent suffers from a mental condition that renders her unable to practice  
3 with reasonable skill and safety.


4 **PRAYER**

5 WHEREFORE, Complainant requests that a hearing be held on the matters herein  
6 alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

- 7 1. Revoking or suspending Registered Nurse License Number 410622, issued  
8 to Rebecca K. Blackshaw.
- 9 2. Ordering Rebecca K. Blackshaw to pay the Board of Registered Nursing  
10 the reasonable costs of the investigation and enforcement of this case, pursuant to Code section  
11 125.3; and,
- 12 3. Taking such other and further action as deemed necessary and proper.
- 13

14 DATED: 4/20/08

15

16   
17 RUTH ANN TERRY, M.P.H., R.N.  
18 Executive Officer  
19 Board of Registered Nursing  
20 Department of Consumer Affairs  
21 State of California  
22 Complainant  
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# **EXHIBIT A**

State of Washington, Department of Health  
Findings of Fact, Conclusions of Law, and Final Order

**STATE OF WASHINGTON  
DEPARTMENT OF HEALTH  
NURSING CARE QUALITY ASSURANCE COMMISSION**

In the Matter of the License to Practice ) as a Registered Nurse of: )	Docket No. 04-08-A-1054RN
REBECCA BLACKSHAW, R.N., )	FINDINGS OF FACT,
License No. RN00093382, )	CONCLUSIONS OF LAW,
Respondent. )	AND FINAL ORDER
_____ )	

**APPEARANCES:**

Respondent, Rebecca Blackshaw, R.N.,  
pro se

Department of Health Nursing Program, by  
The Office of the Attorney General, per  
Susan Pierini, Assistant Attorney General

**PRESIDING OFFICER:** Kelly Theriot LeBlanc, Health Law Judge

**COMMISSION PANEL:** Jacqueline Rowe R.N., Panel Chair  
Janet Claypool, R.N.  
Richard Cooley, L.P.N.

**INTRODUCTION**

A hearing was held before the Nursing Quality Assurance Commission (the Commission) on August 11, 2005 at the Department of Health, Point Plaza East, in Tumwater, Washington. Robert Lewis, Certified Court Reporter, recorded the proceedings. The Department issued a Statement of Charges on March 9, 2005, alleging that the Respondent, a registered nurse, was unable to practice with reasonable skill and safety by reason of a mental condition. Suspended.

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FINDINGS OF FACT,  
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## ISSUES

Whether the Department has sufficiently established that the Respondent suffers from a mental or physical condition that renders her unable to practice nursing with reasonable skill and safety.

Whether imposition of RCW 18.130.160 sanctions is necessary to protect the public.

## SUMMARY OF EVIDENCE

The Department presented testimony from [REDACTED] and Clayton Dickinson, J.D. in its case in chief. The Department then offered rebuttal testimony from Detective Keith Barnes, Pierce County Sheriff's Office.

The Respondent testified on her own behalf and provided testimony from her sister, Linda Blackshaw.

The Department identified nine exhibits during the final prehearing conference. In the absence of objection, the Department's exhibits were marked, admitted, and distributed to the panel at the time of hearing as follows:

Exhibit 1: ASI Report;

Exhibit 2: Statement of Clayton Dickinson;

Exhibit 3: Statement of Todd Renda;

Exhibit 4: [REDACTED]

Exhibit 5: Transcripts of voice messages to DOH;

Exhibit 7: Transcripts of voice messages to DOH, dated March 17, 2004;

Exhibit 8: Reports from [REDACTED]

Exhibit 9: [REDACTED]

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The Respondent did not identify any exhibits during the final prehearing conference. The Respondent was advised that documentary evidence not offered in the prehearing conference would not be received into evidence at the time of hearing absent a showing of good cause.

Prior to the hearing, the Presiding Officer met with the Assistant Attorney General and the Respondent outside the presence of the panel. At that time, the Respondent produced the following six documents, stating that she wanted to present them to the Commission for consideration:

1. Accident Report involving the Respondent's Mother prepared by the Tacoma Police Department and logged as Incident No. 1053267;
2. Excerpt from an unidentified Docket Sheet from Tacoma Municipal Court;
3. Undocketed Summons and Complaint for Civil Damages purportedly prepared on behalf of Respondent's Mother;
4. Statement from the Respondent dated September 16, 1999;
5. Medical Records maintained by St. Joseph's Hospital on behalf of the Respondent's Father;
6. Medical Powers of Attorney executed by the Respondent's parents.

The Department objected to the proffer of these documents stating that (1) there was no good cause to receive them into evidence; (2) that all of the documents had been created between 1999 and 2002 and thus, would have been available at the time of the final prehearing conference; and (3) that the documents were irrelevant. The Department's objections were sustained and none of the Respondent's documents were admitted or distributed to the panel. The Respondent was given leave to refer to her documents as needed to refresh her recollection or organize her presentation.

During morning recess, the Presiding Officer convened with the parties, outside the presence of the panel, to identify the Respondent's documents and restate her ruling and instructions for the record.

## **I. FINDINGS OF FACT**

1.1 The Respondent was issued a license to practice as a Registered Nurse in the state of Washington in October 1987. The Respondent has no prior history of discipline.

1.2 The Respondent last worked as a nurse for hire in 1995 – 1996. The Respondent has not worked outside the home in any capacity since that time.

1.3 The Respondent has a [REDACTED]

[REDACTED]

1.4 The Respondent's [REDACTED] believe that she had an established attorney-client relationship with the law firm of Clayton Dickinson located in Fircrest, Washington. The Respondent's [REDACTED] caused her to start calling the law firm at some point in 2000 or 2001 leaving repetitive telephone messages. The Respondent's conduct continued over a two year period escalating to the point where she started showing up at the law firm and refusing to leave. [REDACTED]

[REDACTED]

[REDACTED] The Respondent was [REDACTED] forcibly removed. [REDACTED]

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notified the County Designated Mental Health Provider about the Respondent's behaviors [REDACTED] The law firm also obtained a restraining order against the Respondent. Despite these interventions, the Respondent has persisted in her belief that she has an attorney-client relationship with the law firm. The Respondent began calling the law firm again in early 2005.

1.5 The Respondent also [REDACTED] believe that she is a sex offender. The Respondent's [REDACTED] report herself to the California Board of Nursing and to this Commission despite no substantial record of any sex offense. The Respondent also began calling the Sex Offender Registration Unit for Pierce County Washington stating that she was a level three sex offender with a high risk to re-offend. The Respondent was repeatedly informed that there was no record to substantiate that she had ever been adjudicated as a sex offender but she persisted in making calls to the unit. The Respondent also went into the Sheriff's Office requesting the paperwork to register as a sex offender. The Pierce County Sheriff's Department notified the County Designated Mental Health Provider about the Respondent's conduct. To date, the Respondent persists in her belief that she has committed sexual crimes.

1.6 The Respondent also [REDACTED] believe that she is under surveillance. The Respondent believes that surveillance activities started in 1993 before she left California to return to Washington and continue to this

date. The Respondent does not know why anyone would want to have her under surveillance.

1.7 The Respondent fails to recognize that her feelings and actions are the [REDACTED] The Respondent describes being "overwhelmed by stress and anxiety." The Respondent contends that her phone calls to the Nursing Care Quality Assurance Commission; the law firm of Clayton Dickinson; and the police were designed to help her find answers to questions and comply with her ethical responsibilities as a nurse. The Respondent attributes the escalation in her behaviors to environmental stressors caused by the ongoing surveillance. The Respondent's refusal to accept [REDACTED] complicates [REDACTED] and yet, the Respondent consistently refuses [REDACTED]

1.8 The [REDACTED] Respondent experiences cause her to react irrationally. [REDACTED] the Respondent could establish a belief about a patient that could prompt her to harm the patient. For example, the Respondent does not believe that she [REDACTED] and thus, refuses to accept [REDACTED]. If the Respondent were to form a belief that a patient diagnosis was wrong, she might choose not to administer their medications.

1.9 [REDACTED]

The Respondent's [REDACTED]  
[REDACTED]  
[REDACTED]

1.10 The Respondent cannot regulate herself with consistency because of her [REDACTED] Without [REDACTED] the Respondent's behavior patterns [REDACTED] will continue. The Respondent's inability to regulate her behavior interferes with her ability to practice safely.

## **II. CONCLUSIONS OF LAW**

2.1 The Commission has jurisdiction over the Respondent and over the subject matter of this proceeding.

2.2 The Respondent is subject to the provisions of chapter 18.130 RCW.

2.3 The Washington Supreme Court held that the standard of proof in disciplinary proceedings against physicians before the Washington State Medical Quality Assurance Commission is proof by clear and convincing evidence. *Nguyen v. Department of Health*, 144 Wn.2d 516, 534, cert. denied, 535 U.S. 904 (2002). Division One of the Court of Appeals holds that the standard of proof determination requires a case-by-case due process analysis. See *Ongom v. Dept. of Health*, 124 Wn. App. 935 (Division One, 2005) (Registered Nursing Assistants); and *Eidson v. Department of Licensing*, 108 Wn. App. 712 (Division One, 2001) (Real Estate Appraisers). Division Two of the Court of Appeals holds that *Nguyen* applied to all professional disciplinary proceedings. See *Nims v. Washington Board of Registration*, 113 Wn. App. 499 (Division Two, 2002) (Registered Professional Engineers).

2.4 Despite the legal uncertainty regarding the standard of proof in disciplinary proceedings regarding professions other than physicians and registered nursing assistants, the standard of proof in this proceeding remains preponderance of

the evidence. WAC 246-11-520. However, recognizing that the standard of proof applicable to this proceeding may subsequently be determined to be clear and convincing evidence, the Commission shall evaluate the evidence in this matter under both the clear and convincing evidence standard, as well as the preponderance of the evidence standard.

2.5 Based upon the findings in paragraphs 1.1 – 1.10, the Commission concludes that the Department has satisfied its burden under either a preponderance of the evidence or a clear and convincing standard, in establishing that the Respondent suffers from a mental condition that renders her unable to practice with reasonable skill and safety pursuant to RCW 18.130.170 (1).

2.6 The Board concludes imposition of sanctions pursuant to RCW 18.130.160 is necessary to protect the public given the Respondent's inability to practice with reasonable skill and safety.

### **III. ORDER**

Based on the above Procedural History, Findings of Fact, and Conclusions of Law, it is hereby ORDERED:

3.1 The Respondent's license is hereby SUSPENDED INDEFINITELY.

3.2 The Commission will not consider any petition for modification of any of the terms within this Order nor shall any request for reinstatement be permitted within five years of the date of this Order. Thereafter, the Respondent shall be required to personally appear before the Commission should she seek to petition for modification

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FINDINGS OF FACT,  
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or request reinstatement within the state of Washington. The Commission may impose additional conditions upon review.

3.3 In the event that the Respondent elects to initiate a petition for modification of this Order or reinstatement of practice privileges after five years have elapsed, the Respondent must obtain a psychological evaluation from a Board Certified Psychologist or Psychiatrist, pre-approved by the Commission or its designee as a condition precedent to her petition or request. The evaluator shall be provided with a copy of this Order prior to commencement of the evaluation. The evaluator will also be provided with appropriate releases authorizing the evaluator to speak with and furnish information to the Commission or its designee. The Respondent may not petition for modification or reinstatement until the evaluation is complete and a written report has been received by the Commission.

3.4 As a further condition to modification or reinstatement, the Respondent shall be required to establish that she [REDACTED] remain [REDACTED] compliant with any and all treatment recommendations or medication regimens implemented on her behalf for at least two years prior to any request for modification or reinstatement.

3.5 In the event that the Respondent elects to initiate a petition for modification of this Order or reinstatement of practice privileges after five years have elapsed, the Respondent shall also provide the Commission or its designee with a list of any medical or mental health care practitioners who provided treatment on her behalf following entry of this Order. The Respondent shall provide appropriate releases to her medical and/or mental health providers authorizing the Commission or its designee to


speaking with the providers or gain access to medical or mental health information maintained by the provider.

3.6 If the Respondent intends to apply for or pursue any formal education in health care within five years of the date of this Order, the Respondent must notify the Commission prior to submitting an application. The Respondent shall also ensure that a copy of this order is given to the dean or director of the organization or institution at the time of application if she is seeking enrollment before five years have elapsed.

3.7 The Respondent shall obey all federal, state, and local laws, and administrative rules governing the practice of nursing in the state of Washington.

3.8 If the Respondent violates or fails to comply with any provision of this Order, the Board may elect to take further action against the Respondent's license in accordance with RCW 18.130.180(9).

Dated this 16<sup>th</sup> day of September, 2005.

  
JACQUELINE ROWE, R.N.  
Panel Chair

FOR INTERNAL USE ONLY: (Internal tracking numbers) Program No. 2003-08-0052
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#### CLERK'S SUMMARY

<u>Charge</u>	<u>Action</u>
R CW 18.130.170(1)	Violated

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## **NOTICE TO PARTIES**

This Order is subject to the reporting requirements of RCW 18.130.110, Section 1128E of the Social Security Act, and any other applicable interstate/national reporting requirements. If adverse action is taken, it must be reported to the Healthcare Integrity Protection Data Bank.

Either party may file a petition for reconsideration. RCW 34.05.461(3); 34.05.470. The petition must be filed within 10 days of service of this Final Order with:

Adjudicative Service Unit  
PO Box 47879  
Olympia, WA 98504-7868

And a copy must be sent to:

Nursing Care Quality Assurance Commission  
PO Box 47864  
Olympia, WA 98504-7864

The petition shall state the specific grounds upon which relief is requested. The petition for reconsideration shall not stay the effectiveness of this Final Order. The petition is deemed to have been denied if, within 20 days of the date of its filing, the Adjudicative Service Unit has not disposed of your petition or has not served you with written notice specifying the date by which action will be taken on your petition.

A petition for judicial review must be filed within 30 days after you have been served with this Final Order. RCW 34.05.542. The procedures are identified in chapter 34.05 RCW, Part V, Judicial Review and Civil Enforcement. A petition for reconsideration is not required before seeking judicial review. If a petition for reconsideration is filed, however, the 30-day period will begin to run upon resolution of that petition. RCW 34.05.470(3).

The order remains in effect even if a petition for reconsideration or petition for review is filed. "Filing" means actual receipt of the document by the Adjudicative Service Unit. RCW 34.05.010(6). This Order was "served" upon you on the day it was deposited in the United States mail. RCW 34.05.010(19).